

Family and Medical Leave Act

The federal Family and Medical Leave Act was enacted "to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity."

The act allows women to take leave for pregnancy, medical, and other family-related reasons.

For more information about this act, contact the U.S. Department of Labor, Wage and Hour Division at 1-866-487-9243 or www.dol.gov.

Workplace Hazards to the Fetus

There is increasing scientific concern about the exposure of the fertile or pregnant woman to hazardous substances or unsafe conditions in the workplace. Such concerns often place an employer between potentially conflicting legal responsibilities.

An employer's reassignment of a pregnant woman or termination of

her employment may be considered sex discrimination. However, an employer's failure to reassign or terminate the employee may expose the employer to civil liability for injuries to the fetus if, in fact, the fetus is harmed.

A U.S. Supreme Court decision in 1991 that dealt with this issue suggested that the safety of potential offspring is best left to the parents, and if need be, to the legislature.

To contact the Michigan Department of Civil Rights, call

Toll Free
1-800-482-3604

TTY Users
1-877-878-8464

Web Site
www.michigan.gov/mdcr



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Michigan Law: The Elliott-Larsen Civil Rights Act

This Michigan civil rights act prohibits discrimination on the basis of sex. This includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.

An employer may not terminate a woman's employment because of her pregnancy.

Pregnancy Discrimination Act and Title VII of the U.S. Civil Rights Act of 1964

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. The amendment requires that employees temporarily and medically disabled by pregnancy, childbirth, or related medical conditions be treated in a like manner to employees temporarily and medically disabled by other non-work related conditions or injuries.

Employees cannot be forced to begin or return from a maternity leave at predetermined times. It is the opinion of the woman's doctor that controls the beginning and end of the maternity leave.

An employer cannot treat a pregnant employee differently than employees with other temporary medical disabilities for purposes of hiring, transfer, or accumulation of benefits while on leave. Compensation

for time off during a maternity leave must be consistent with the employer's policy for other types of leaves of absence.

What You Can Do About Pregnancy Discrimination

If you believe you have been subjected to unlawful discrimination based on pregnancy under state or federal law, contact an office of the Michigan Department of Civil Rights.

A civil rights representative will discuss your concern and attempt to resolve the matter. If this effort is not successful, a formal civil rights complaint may be taken. While resolution attempts continue, an investigation may be conducted to determine whether there is sufficient evidence to proceed to more formal measures.

There is no charge for the department's services.